

HOW HARRY THAW PASSES EACH DREARY DAY AS A PRISONER IN THE TOMBS;

(Continued from First Page)

pistol. Then he hopes to find out what it was that suddenly inspired Thaw to plot the death of the man he hated after having let that man go unscathed for years.

After a long conference to-day with Thaw in his cell and a shorter one with Evelyn Nesbit Thaw in the corridors of the Tombs former Judge W. M. K. O'leary made this statement to a reporter for The Evening World:

No Affidavit, Says O'leary.

"I wish to deny most emphatically that there is any truth in the story that Mrs. Thaw, before her marriage, signed an affidavit against Mr. Thaw at a time when she contemplated a suit against him. It is absolutely false—the whole thing. There is no such affidavit; nor was there ever one, and no such suit was ever contemplated or arranged. It is a lie—an invention of the enemy."

Assistant District Attorney O'leary denied that he expected to come into immediate possession of any affidavit made by Evelyn Nesbit Thaw in any action for breach of promise. Nevertheless it is said that such an affidavit does exist, and that the State prosecutors are trying to get their hands upon it.

This instrument, if secured will be a dangerous weapon in the hands of the prosecutors. On it the State will build the theory that hatred and a desire for revenge prompted Harry Thaw to murder Stanford White.

Went to White for Advice

In the drawing room of the instrument Stamford White is said to have taken a leading part. Evelyn Nesbit had turned from him and even her society to Harry Thaw, but she had tired of the eccentric publishing spendthrift, and, determined to break with him, she went to Mr. White for advice and told him ofings concerning Thaw that led him to suggest that she bring a suit.

Mr. White took her to a lawyer, who was affable—was sympathetic—and then White insisted that the instrument be placed in a depository, where not even the partners of the lawyer who drew the instrument could have access to it.

White's reason for this secrecy was that he believed that the secret of the temptation, a knowledge of its contents against a man of Thaw's wealth and social position, would have been known to all men.

Now, Mrs. Thaw's suit never got to the complaint stage, as a copy of her affidavit was shown Thaw and he settled out of court, giving her, it is said, an allowance and her attorney an astonish-



QUICK ACTION FOR OPPONENTS OF GAS TRUST

MILLER ESCAPES DEATH, FALLING IN THIRD RACE

No Delay Permitted in Star Jockey Thrown From Toddles Just as Barrier Goes Up.

(Continued from First Page.)

and was never caught. He made it in the running and won by three-quarters of a length from Arabo, who was three lengths in front of Sir Russell.

Miller's Narrow Escape.

Just as the barrier went up in the third race Toddles, the favorite, "dotted by" Kuroki, was sent up and threw Miller over. He went up from the rail, had glasses trained on the start. The general public could not see. Miller jumped up quickly, uncurt save for a moment, and was off again to the front at the start, and won easily by a length from Victoria B. Princess. Carrie was beaten off, being interfered with by the ridersless Toddes all the way.

Kuroki Wins Sprint.

Inquisition held at the gate, but was soon surmised that Hells of Pequod and Heslop, who raced in close order to the far turn, with Kuroki and Inquisitor next. On the turn Kuroki moved up, followed by Running Water, and as he did so, Heslop crowded Kuroki all through the last furlong and was just beaten a head. Handham was a length and a half away.

Handham, who had won easily by a length and a half, was beaten off, being interfered with by the riderless Toddes all the way.

The defeat of Heslop came at the start. Jersey lady held the balance safe. Victoria B. ran a fair race.

Inquisitor held the balance safe. Victoria B. ran a fair race.

Handham raced to the front, followed by Kuroki and Inquisitor. They ran to the stretch, where Kuroki closed and beat Heslop by a head. Heslop crowded Kuroki all through the last furlong and was just beaten a head. Handham was a length and a half away.

The defeat of Heslop was a crowning victory for Old Johnnie, who had run on Roebuck as a last resort to recover his lost fortunes. Heslop ran in last. Appleby's colors for the first time to-day. Johnson said he had sold his colors to a stock jobber. It is probable that the ring that Johnson is heading and owns considerable money in the ring.

The taking of evidence is to begin July 15 and to proceed without interruption. Judge LaCombe orders. If it is possible, the trial will hold good sessions daily to complete the evidence within the time allowed. If counsel wishes to take a vacation during the ninety days Judge LaCombe says they may do so, provided they attend to the matter, so that the taking of evidence may not be interrupted.

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FAILING WITH GAS HE SHOT HIMSELF.

They were to have presented their protest to-day, but on account of the absence of several prominent lawyers and representatives of real estate interests the protest was deferred until to-morrow afternoon at 4 o'clock, when the delegations in force will visit the Comptroller's office and present their protest.

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